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09/753,668	01/04/2001	Toshio Shimosako	1907-0196P	1958

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EXAMINER

YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2614

10

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/753,668

Applicant(s)

SHIMOSAKO ET AL.

Examiner

BRIAN P. YENKE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on RCE/Amendment (03 June 2004).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 7-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's arguments, see Amendment, filed 03 June 2004, with respect to the rejection(s) of claim(s) 1-2, and 5-6 under Allport as a 35 USC 102(e) reference have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Allport as a 35 USC 103 reference.

Applicant's arguments filed 03 June 2004, with respect to claims 3-4 have been fully considered but they are not persuasive.

### ***Election/Restrictions***

2. Newly submitted claims 7-10 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Newly added claims 7-10 are directed to subject matter pertaining to the distribution (i.e. switching)/supplying of power (i.e. electric current) to devices. The original presented claims were/directed to the performing a function associated with a device, and not the powering/distribution of current to the device.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 7-10 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Allport, US 6,104,334.

In considering claim 3,

The claimed an information processing device having a TV display function and provided with a small display device in addition to a display device for the information processing device, which possesses a function of handling plural input sources for TV output and a function of displaying information of a currently selected input source of the plural input sources on the small display device wherein the information processing device determines whether an information processing function or a television function is to be performed and providing a source of data to be displayed on the small display device based on the determination is met by Allport which discloses a system for dual-display interaction, where the system includes a TV (80), Base station (75) and remote control (10), where the base station can also be incorporated in either the TV or remote (Fig 2, col 9, line 19-34). The remote control (10) (small display device), includes a

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display screen 15 (col 7, line 2-4), where the remote control can also function as a regular portable TV (col 5, line 1-4). The remote control affords the user the ability to view multiple data streams using two different displays, one being the TV (80) and the second being the remote's own display screen. As shown in Figure 3, base station 8 receives multiple input sources, including HTML data 95 and digital data (A) and analog data (B) from signal 85 (i.e. broadcast TV, satellite TV, VCR, Laser Disc, DVD, cable TV etc). Regarding the determining whether an information processing function or television function is to be performed is met by base station 75 which receives all the data streams (i.e. broadcast TV, cable TV, satellite TV, a VCR, laser disc, DVD and information from the internet) (Fig 2, col 9, line 46-65), and acts as a switching station by determining whether to send the data streams (or parts thereof) to the TV 80, to the remote 10, to both, or to neither. Thus based upon the desired signal by the viewer of the remote, whether it's TV signal or non-TV (information signal) determines the function (displaying a non-TV signal or a TV signal) to be performed, which is then displayed on the remotes display.

In considering claim 4,

*The claimed an information processing device having a TV display function and provided with a small display device in addition to a display device for the information processing device, wherein TV sound volume information is displayed on the small display device wherein the information processing device determines whether an information processing function or a television function is to be performed and providing a source of data to be displayed on the small display device based on the determination*

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is met by Allport which discloses a system for dual-display interaction, where the system includes a TV (80), Base station (75) and remote control (10), where the base station can also be incorporated in either the TV or remote (Fig 2, col 9, line 19-34). As disclosed by Allport, the additional display screen (LCD 15 of remote 10) can display status information during attribute adjustment (e.g., to volume, contrast, color, tint, brightness, sound etc.) (col 3, line 63 to col 4, line 3).

Regarding the determining whether an information processing function or television function is to be performed is met by base station 75 which receives all the data streams (i.e. broadcast TV, cable TV, satellite TV, a VCR, laser disc, DVD and information from the internet) (Fig 2, col 9, line 46-65), and acts as a switching station by determining whether to send the data streams (or parts thereof) to the TV 80, to the remote 10, to both, or to neither. Thus based upon the desired signal by the viewer of the remote, whether it's TV signal or non-TV (information signal) determines the function (displaying a non-TV signal or a TV signal) to be performed, which is then displayed on the remotes display.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport US 6,097,441 in view of Allport 6,104,334

In considering claims 1 and 5-6,

*The claimed an information processing device having a television display function and provided with a small display device in addition to a display device for the information processing device, wherein, when a power supply is turned on, a TV picture is displayed on the display device and TV sound is output, an operating state and a starting state of the information processing device is displayed on the small display device, wherein the information processing device determines whether an information processing function or a television function is to be performed and providing a source of data to be displayed on the small display device based on the determination.*

*Allport discloses a system for dual-display interaction, where the system includes a TV (80), Base station (75) and remote control (10), where the base station can also be incorporated in either the TV or remote (Fig 2, col 9, line 19-34). The remote control (10) (small display device), includes a display screen 15 (col 7, line 2-4), where the remote control can also function as a regular portable TV (col 5, line 1-4). The remote control affords the user the ability to view multiple data streams using two different displays, one being the TV (80) and the second being the remote's own display screen. The remote is able to control the TV 80 and also various consumer devices and appliances which respond to the remotes commands. Thus when the remote turns on the TV 80 (power supply is turned on), the TV 80 will display the selected channel along*

with the audio of the selected channel. Regarding the determining whether an information processing function or television function is to be performed is met by base station 75 which receives all the data streams (i.e. broadcast TV, cable TV, satellite TV, a VCR, laser disc, DVD and information from the internet) (Fig 2, col 9, line 46-65), and acts as a switching station by determining whether to send the data streams (or parts thereof) to the TV 80, to the remote 10, to both, or to neither. Thus based upon the desired signal by the viewer of the remote, whether it's TV signal or non-TV (information signal) determines the function (displaying a non-TV signal or a TV signal) to be performed, which is then displayed on the remotes display.

Regarding the operating state and starting state, Allport incorporates the entire disclosure US application 09/001873 (now US Patent 6,104,334) into the disclosure of US 6,097,441 (col 1, line 6-13). Allport discloses in the '441 that physical actuating buttons may include push buttons, switches, sliders or other mechanisms..." (col 6, line 21-27). Allport discloses the functions of the buttons vary, where common functions may include a power on/off, a help button, and a mode switching button wherein the remote is switched from a viewing mode to a control mode. Allport then discloses that a more detailed explanation of the possible operations and function of the buttons is set forth in the '334 patent.

Allport, '334, discloses that the remote control includes programmable function keys and a graphical display to show status and help information on the devices being controlled and allows the consumer to browse, select or otherwise manipulate data related to the control of the consumer devices (col 4, line 28-39). The on-display help



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also simplifies the initial device configuration and status and other feedback information is available on-display during actual operation (col 5, line 23-33). Allport also discloses that passwords and filters may be programmed into the remote to limit or deny access to certain information (i.e. parental control) (col 5, line 33-44). Allport also discloses that while viewing a TV program, the audio output can be changed to the audio from another room in the house (col 10, line 11-17). As to the operating state and starting state, Allport discloses that the remote screen 15 allows the consumer to monitor and control the current status of the devices, the future tasks scheduled to be performed by the devices and the prior history of the tasks to be performed (col 10, line 18-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Allport '441 which discloses a hand-held portable remote control with an integrated video display capable of displaying full motion video in combination with the capability that allows interaction between the TV or other primary display and the hand-held display, with Allport '334 by providing the user the ability to monitor/control the devices via the remote where the user can view tasks that have been completed, current tasks and those that are pending (future), thereby giving the user optimum control of the system.

In considering claim 2,

*The claimed an information processing device having a TV display function and provided with a small display device in addition to a display device for information processing device, wherein a currently selected TV channel number and TV channel information is displayed on the small display device wherein the information processing*

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*device determines whether an information processing function or a television function is to be performed and providing a source of data to be displayed on the small display device based on the determination* is met by Allport which discloses a system for dual-display interaction, where the system includes a TV (80), Base station (75) and remote control (10), where the base station can also be incorporated in either the TV or remote (Fig 2, col 9, line 19-34). The remote control (10) (small display device), includes a display screen 15 (col 7, line 2-4), where the remote control can also function as a regular portable TV (col 5, line 1-4). The remote control affords the user the ability to view multiple data streams using two different displays, one being the TV (80) and the second being the remote's own display screen. Regarding the determining whether an information processing function or television function is to be performed is met by base station 75 which receives all the data streams (i.e. broadcast TV, cable TV, satellite TV, a VCR, laser disc, DVD and information from the internet) (Fig 2, col 9, line 46-65), and acts as a switching station by determining whether to send the data streams (or parts thereof) to the TV 80, to the remote 10, to both, or to neither. Thus based upon the desired signal by the viewer of the remote, whether it's TV signal or non-TV (information signal) determines the function (displaying a non-TV signal or a TV signal) to be performed, which is then displayed on the remotes display.

Regarding the display of the selected TV channel number and TV channel information.

Allport '441 incorporates the entire disclosure of US 6,104,334 (application 09/001873) which states that the remote control 10, includes a first area 146 which is

used to display a description 150 of the current program being watched on the primary display, the information includes the source of the picture entertainment channel, that station or channel, the name of the program and the start and end time of the picture entertainment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Allport '441 which discloses a hand-held portable remote control with an integrated video display capable of displaying full motion video in combination with the capability that allows interaction between the TV or other primary display and the hand-held display, with Allport '334 by providing the user the ability to view the information related (i.e. channel station/name of program etc..) to the selected program on the remote, in order to provide the viewer the details/contents of the program being viewed.

***Applicant's Arguments***

a) The applicant states that there is no teaching or suggestion that the base station 75, based upon the determination, performs the information processing function or the television function or both functions.

***Examiner's Response***

a) The examiner disagrees. As stated above in the rejection, the determining whether an information processing function or television function is to be performed is met by base station 75 which receives all the data streams (i.e. broadcast TV, cable TV, satellite TV, a VCR, laser disc, DVD and information from the internet) (Fig 2, col 9, line 46-65), and acts as a switching station by determining whether to send the data streams

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(or parts thereof) to the TV 80, to the remote 10, to both, or to neither. Thus based upon the desired signal by the viewer of the remote, whether it's TV signal or non-TV (information signal) determines the function (displaying a non-TV signal or a TV signal) to be performed, which is then displayed on the remotes display. Therefore, the setbox acts as a switch/controller which selectively routes the requested signal(s) to the remote and/or TV, or neither device.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—see US 2004/0066308 as shown on attached form PTO-892.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or

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relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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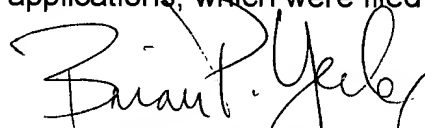
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BRIAN P. YENKE  
Primary Examiner  
Art Unit 2614



B.P.Y.

17 June 2004